

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1, 4, 10, 11, 23, 51, 53, 55, and 57 are pending in this case. Claims 1, 4, 11, 23, 51, 53, 55, and 57 are amended and Claims 2, 3, 5-9, 12-22, 24-50, 52, 54, 56, and 58-60 are canceled by the present amendment. The changes to Claims 1, 4, 11, 23, 51, 53, 55, and 57 are supported in the originally filed disclosure at least at Fig. 5 and at page 17, line 10, to page 25, line 25. Thus, no new matter is added.

Claims 1-60 were rejected in the outstanding Office Action under 35 U.S.C. § 102(e) as anticipated by Nicholas (U.S. Patent No. 6,865,719).

In light of the cancellation of Claims 2, 3, 5-9, 12-22, 24-50, 52, 54, 56, and 58-60, the rejection of those claims is moot.

Amended Claim 1 is directed to a Web page creation apparatus configured to **“create a Web page including menu items,”** the **necessity of display** of which is **defined by the menu-item display information** and is **based on the device that displays the Web page or the user of the device** that displays the Web page.

The outstanding Office Action asserts Nicholas as teaching every element of Claim 1. Specifically, the outstanding Office Action asserts that the text box containing a message or alert in Nicholas teaches a created Web page as defined by Claim 1.

At the outset, Applicant respectfully notes that, as set out in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631. Further, “[t]he **identical invention must be shown in as complete detail** as is contained in the...claim.” Emphasis added. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236.

Nicholas does not teach or suggest the Web page creation apparatus comprising “an all-menu-item information storage unit configured to **manage...information which defines all menu items available for display in the Web page,**” as recited by Claim 1. Instead, as described at column 2, lines 38-45, for example, the electronic device which displays the text box or other pop-up window in Nicholas receives the information to be displayed rather than storing “information which defines all menu items available for display.”

Nicholas does not teach or suggest the Web page creation apparatus comprising “an all-menu item style information storage unit configured to **manage...information which defines style information for all the menu items available for display,**” as recited by Claim 1. As discussed above, the electronic device of Nicholas does not store menu items or any other items but, rather, receives a message to be displayed. Further, Nicholas certainly cannot and does not store style information for menu items or any other items that are not stored in the device but, rather, are received for display.

Nicholas does not teach or suggest the Web page creation apparatus comprising “a menu-item display information storage unit configured to **manage...information which defines necessity of display of each of the menu items** based on a device that displays the Web page or on a user of the device,” as recited by Claim 1. As discussed above, the electronic device of Nicholas does not store menu items or any other items asserted to be included in the Web page by the Web page creation apparatus. Further, Nicholas cannot and does not define necessity of display for each of the items. Instead, any information received by the electronic device of Nicholas is displayed.

Finally, Nicholas does not teach or suggest **dynamic menu-item style information** or a menu-item information creation unit “configured to **apply the dynamic menu-item style information to the all-menu-item information to create the menu items to be included in the Web page,**” as recited by Claim 1. As discussed above, the electronic device of Nicholas

displays received messages, and Nicholas does not teach or suggest a device “configured to...create the menu items to be included in the Web page.”

Because Nicholas does not teach or suggest the above-discussed features of amended Claim 1, Applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. § 102(e) be withdrawn.

Claims 4, 10, 11, and 23 depend from Claim 1 and, therefore, patentably define over Nicholas for at least the same reasons as Claim 1. Further, Claims 4, 10, 11, and 23 define additional features that are also deficient in Nicholas.

For example, Claim 10 defines the Web page creation apparatus further comprising a “request receiving unit” and a “Web page transmitting unit” “configured to receive a request of acquisition of the Web page from the device...cause the Web page creation unit to create the Web page...and transmit the Web page...to the device.”

Nicholas does not teach or suggest a Web page creation apparatus including the above-quoted features because, as discussed above, the device of Nicholas receives messages to display but does not receive a request for a Web page that it creates and transmits to another device.

Claims 11 and 23 define “an inquiry unit configured to transmit an inquiry about usable functions of an external device” and “a permitted-function inquiry unit,” respectively. Nicholas does not teach or suggest the device that receives and displays messages including an inquiry unit or a permitted-function inquiry unit, as defined by Claims 11 and 23, to inquire about usable or permitted functions of an external device.

Thus, Applicant respectfully requests that the rejection of Claims 4, 10, 11, and 23 under 35 U.S.C. § 102(e) be withdrawn.

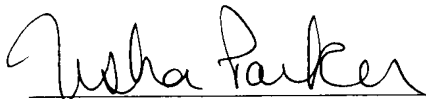
Claims 51 and 57, though differing in scope and statutory class from Claim 1, patentably define over Nicholas for similar reasons as Claim 1. Thus, Applicant respectfully

requests that the rejection under 35 U.S.C. § 102(e) of Claim 51, Claims 53 and 55, which depend therefrom, and Claim 57 be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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